



To the Honorable Council
City of Norfolk, Virginia

October 23, 2012



From: Frank M. Duke, AICP, Planning Director

Subject: Special Exception for an
Eating and Drinking Establishment at
4231 East Little Creek Road
– Hibachi King by Hui S. Huang

Reviewed: Anne F. Odell, AICP, Assistant City Manager

Ward/Superward: 5/6

Approved:



Marcus D. Jones, City Manager

Item Number:

R-12

- I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** Hibachi King by Hui S. Huang
4231 East Little Creek Road
- III. **Description**
This application requests approval for Hibachi King to offer beer and wine to its customers.
- IV. **Analysis**
 - The site is located within the East Beach Marketplace shopping center
 - The shopping center is located between the Camellia Shores and East Ocean View neighborhoods, and is developed with a mix of commercial uses.
 - The *General Plan* designates this site as Commercial/Office, making the proposed special exception consistent with the *General Plan*.
 - The proposed General Plan, *plaNorfolk2030*, designates this site as Commercial.
 - The site is located in the C-3 (Retail Center) district which permits the use by Special Exception.
 - The use meets *Zoning Ordinance* requirements for Eating and Drinking Establishments.

	Current	Proposed
Hours of Operation	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday	Same
Hours for the Sale of Alcohol	N/A	Same as Hours of Operation
Seating Capacity	452 seats indoors 466 total capacity	Same

- Special Exception history

City Council Approval	Applicant	Changes
Pending	Hibachi King	Initial Application

- The addition of alcohol sales at an existing restaurant is not expected to generate additional vehicle trips.
- The attached conditions ensure compliance with *Zoning Ordinance* requirements.

V. Financial Impact

The applicant is current on all taxes.

VI. Environmental

- The proposed hours of operation for the Eating and Drinking Establishment are consistent with similar nearby establishments in the shopping center, so they should not adversely impact the surrounding uses.
- This tenant space has previously operated as an Eating Establishment.
- Over the past year there have been 2 calls for service with no arrests made.

VII. Community Outreach/Notification

- Legal notice was posted on the property on August 21.
- Letter was mailed to the Camellia Shores and East Ocean View Civic League Presidents, and the Ward 5 Partnership on September 7.
- Notice was sent to the civic leagues by the Department of Communications on September 11.
- Letters were mailed to all property owners within 300 feet of the property on September 11.
- Legal notification was placed in *The Virginian-Pilot* on September 13 and 20.
- The Planning Commission Public Hearing was held on September 27, 2012.

- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

- By a vote of **6 to 1**, the Planning Commission recommended that the request for a Special Exception be **approved**.
 - The commissioner who voted in opposition questioned community support.

IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinance
- Location Map
- Zoning Map
- Application
- Floor Plan
- Letters to the Civic Leagues

Proponents and Opponents

Proponents

Hui Huang – Applicant
4249 East Little Creek Road
Norfolk, VA 23518

John Greene
4720 East Beach Drive
Norfolk, VA 23518

Opponents

None

9/26/12 ts

Form and Correctness Approval:

Contents Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

By

DEPT.

ORDINANCE No.

R-12

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT ON PROPERTY LOCATED AT 4231 EAST LITTLE CREEK ROAD, SUITE A.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Hibachi King, LLC authorizing the operation of an eating and drinking establishment named "Hibachi King" on property located at 4231 East Little Creek Road, suite A. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 847 feet, more or less, along the southern line of East Little Creek Road, and 454 feet, more or less, along the western line of Shore Drive; premises numbered 4231 East Little Creek Road, suite A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m. Sunday through Thursday and from 11:00 a.m. until 11:00 p.m. on Friday and Saturday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the facility shall not exceed 452 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 466 people.
- (c) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of

a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The facility shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the facility's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (i) The layout of the establishment shall adhere to the specifications of the floor plan attached hereto and marked as "Exhibit B."
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth

in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) Any requirements, limitations, or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such requirement, limitation, or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the facility is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (m) In addition to the ABC manager or supervisor

the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

- (n) There shall be no entertainment, no dancing, and no dance floor provided.
- (o) Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.
- (p) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not

have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the

ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (2 pages)



City of Norfolk

EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date of Application 8/9/12

Trade name of business: HIBACHI KING LLC.

Address of business: 4231 E. Little Creek RD, Ste 3A

Name(s) of business owner(s)* HUI HUANG.

Name(s) of property owner(s)* LITTLE CREEK INVESTMENT COOP.

Name(s) of business manager(s)/operator(s): HUI HUANG, CHEN FAN, XIN LI, XIAO CHEN.

Daytime telephone number: (757) 588-8866.

* If business or property owner is an LLC or Corporation, all partners must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>11:00 am</u> To <u>10:00 pm</u>	Weekday From <u>11:00 am</u> To <u>10:00 pm</u>
Friday From <u>11:00 am</u> To <u>11:00 pm</u>	Friday From <u>11:00 am</u> To <u>11:00 pm</u>
Saturday From <u>11:00 am</u> To <u>11:00 pm</u>	Saturday From <u>11:00 am</u> To <u>11:00 pm</u>
Sunday From <u>11:00 am</u> To <u>10:00 pm</u>	Sunday From <u>11:00 am</u> To <u>10:00 pm</u>

2. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

3. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☐ Mixed Beverage

Exhibit A
Eating and Drinking Establishment
Page 2

4. Will video games, pool tables, game boards or other types of entertainment be provided?
☐ Yes ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

Private Party Room For DINE-IT

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A
Eating and Drinking Establishment
Page 3

7. Will a third party (promoter) be permitted to lease, let or use the establishment?

☐ Yes ☒ No

7a. If yes, explain:

8. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)


9. Will there ever be a minimum age limit?

☐ Yes ☒ No

10. Will there be smoking in the establishment?

☐ Yes ☒ No

11. Additional comments/description/operational characteristics:



Signature of Applicant

Exhibit B

**Eating and Drinking Establishment
Floor Plan(s)**

1. Seating (Approved floor plan must be attached)

a. Indoor

Number of seats 452
(not including bar seats)

Number of bar seats 0

Number of tables 113

b. Outdoor

Number of seats 0

Number of tables 0

c. Number of employees 14

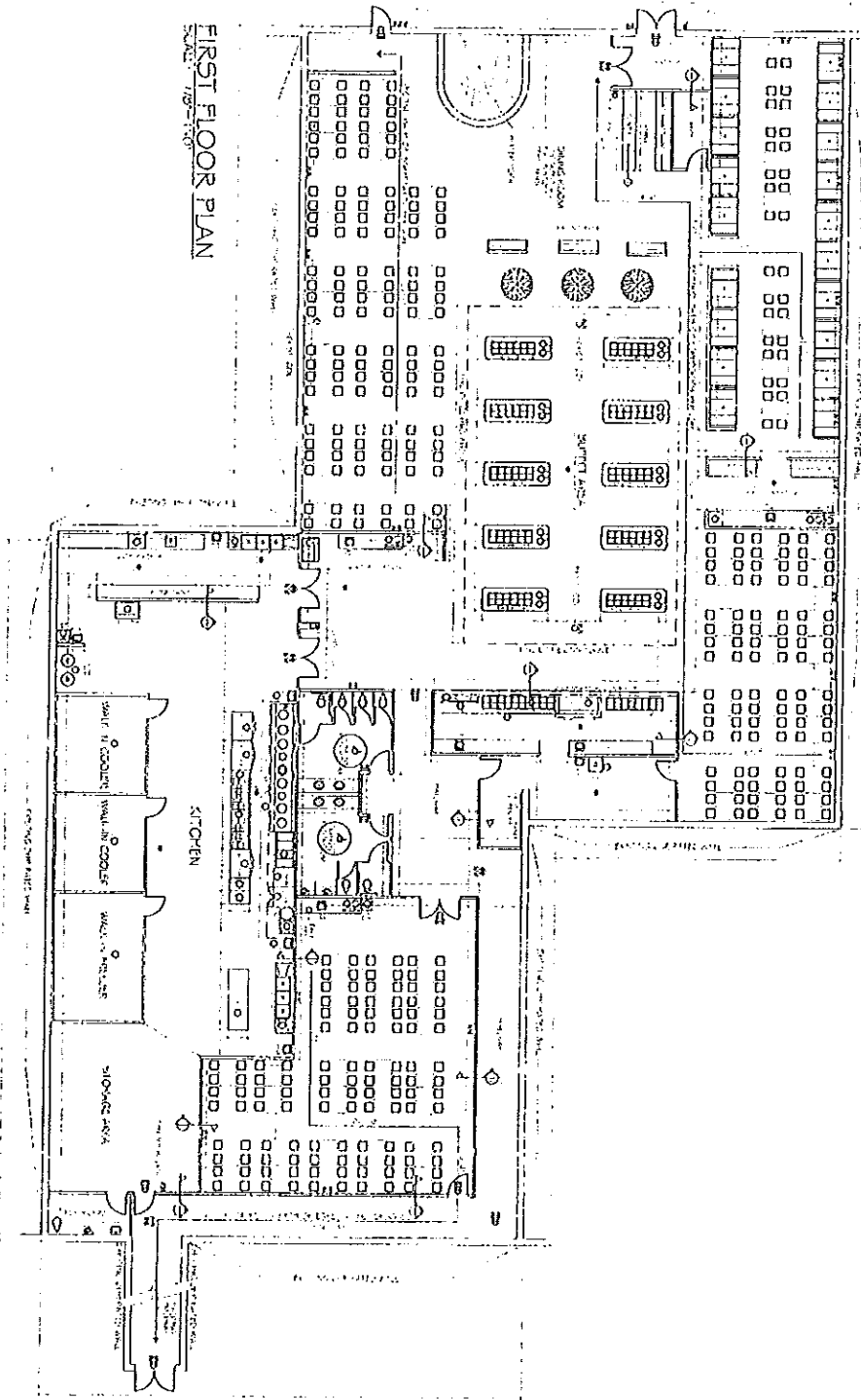
Total Occupancy (Indoor and Outdoor and employees) 466

2. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

 2-Tops 30 4-Tops 6 Tops

Other: (34) 8-tops, (5) 12-tops

FIRST FLOOR PLAN

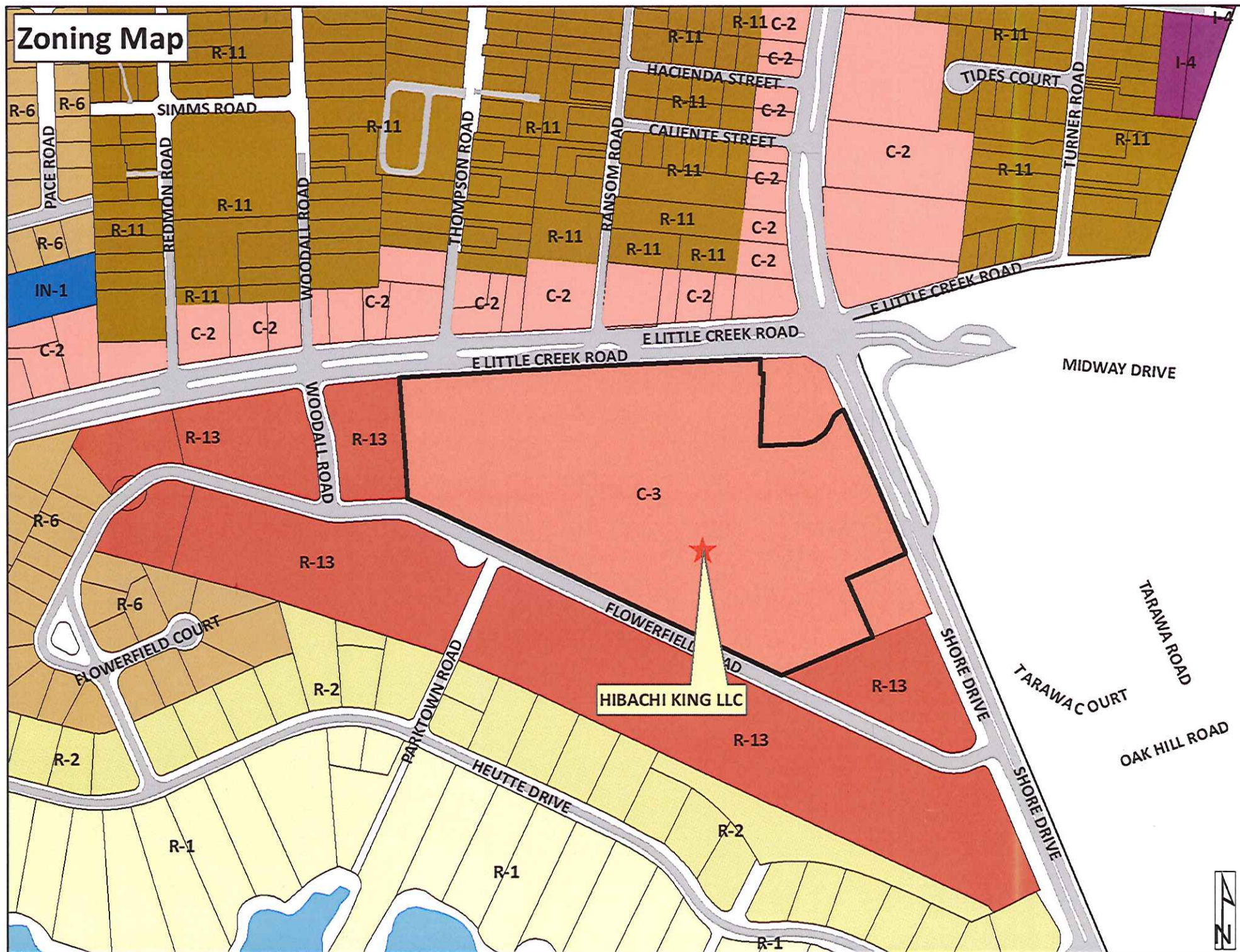


S.O.B. #	
SIR JAMES L. ROBINSON R.A.	
350 DELANCEY STREET NEW YORK N.Y. 10002 (212) 566-7525	
PROJECT NAME AND ADDRESS MICHIGAN LONG GOLF & SHELTER MICHIGAN LONG GOLF & SHELTER MICHIGAN LONG GOLF & SHELTER	
FIRST FLOOR PLAN	
DATE	1/27/70
DESIGNED BY	1/27/70
CHECKED BY	1/27/70
APPROVED BY	1/27/70
SCALE	1/27/70
A-2	

Location Map



Zoning Map





City of Norfolk

APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT

Date of Application: 8/9/12

DESCRIPTION OF PROPERTY

Property location: (Street Number) 4231 (Street Name) E. LITTLE CREEK Rd., Ste 3A
Existing Use of Property Restaurant
Current Building Square Footage 15,150 square foot
Proposed Use Restaurant
~~Proposed Building Square Footage~~ _____
Trade Name of Business (If applicable) HIBACHI KING LLC.

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) HUANG (MI) S
(First) HUI

Mailing address of applicant (Street/P.O. Box): 4249 E. Little Creek Rd.
(City) Norfolk (State) VA (Zip Code) 23518

Daytime telephone number of applicant (757) 588 8866 Fax number () _____

E-mail address of applicant: HUIHH123@Gmail.com
LITTLE CREEK INVESTMENT CORP.

2. Name of property owner: (Last) _____ (MI) _____ (First) _____

Mailing address of property owner (Street/P.O. box): 2529 VIRGINIA BEACH BLVD

(City) VIRGINIA BEACH (State) VA (Zip Code) 23452

Daytime telephone number of owner (757) 627-9088 Fax number (757) 627-9081

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

CIVIC LEAGUE INFORMATION

Civic League contact:

East Ocean View Civic League

John Greer
362-3029

Date(s) contacted:

08/03/12

Ward/Super Ward information:

11

Ward 5

REQUIRED ATTACHMENTS

- ✓ Check for \$265.00 made payable to Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (see attached example).
- ✓ Completed Exhibit A, Description of Operations.
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

NEAL SADLER AS AGENT FOR LITTLE CREEK INVESTMENT CORP 08/07/12
(Property owner or authorized agent signature) (Date)

SIGNED:

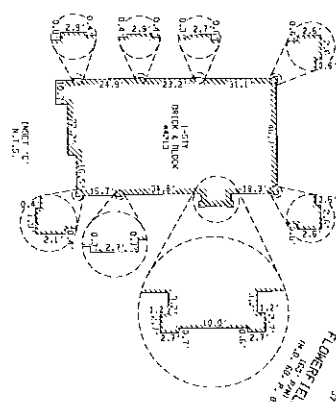
[Signature] 08/07/12
(Applicant signature) (Date)

1:10,000 2:10,000 3:10,000 4:10,000 5:10,000 6:10,000 7:10,000 8:10,000 9:10,000 10:10,000 11:10,000 12:10,000 13:10,000 14:10,000 15:10,000 16:10,000 17:10,000 18:10,000 19:10,000 20:10,000 21:10,000 22:10,000 23:10,000 24:10,000 25:10,000 26:10,000 27:10,000 28:10,000 29:10,000 30:10,000 31:10,000 32:10,000 33:10,000 34:10,000 35:10,000 36:10,000 37:10,000 38:10,000 39:10,000 40:10,000 41:10,000 42:10,000 43:10,000 44:10,000 45:10,000 46:10,000 47:10,000 48:10,000 49:10,000 50:10,000 51:10,000 52:10,000 53:10,000 54:10,000 55:10,000 56:10,000 57:10,000 58:10,000 59:10,000 60:10,000 61:10,000 62:10,000 63:10,000 64:10,000 65:10,000 66:10,000 67:10,000 68:10,000 69:10,000 70:10,000 71:10,000 72:10,000 73:10,000 74:10,000 75:10,000 76:10,000 77:10,000 78:10,000 79:10,000 80:10,000 81:10,000 82:10,000 83:10,000 84:10,000 85:10,000 86:10,000 87:10,000 88:10,000 89:10,000 90:10,000 91:10,000 92:10,000 93:10,000 94:10,000 95:10,000 96:10,000 97:10,000 98:10,000 99:10,000 100:10,000

DATE: 10/1/77
PROJECT: 10/1/77
SHEET: 10/1/77

ITEM	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE	100.00	CU YD
2	STEEL	100.00	LB
3	BRICK	100.00	1000'S
4	CEMENT	100.00	CU YD
5	SAND	100.00	CU YD
6	GRAVEL	100.00	CU YD
7	WATER	100.00	CU YD
8	POWER	100.00	CU YD
9	TELEPHONE	100.00	CU YD
10	SEWER	100.00	CU YD

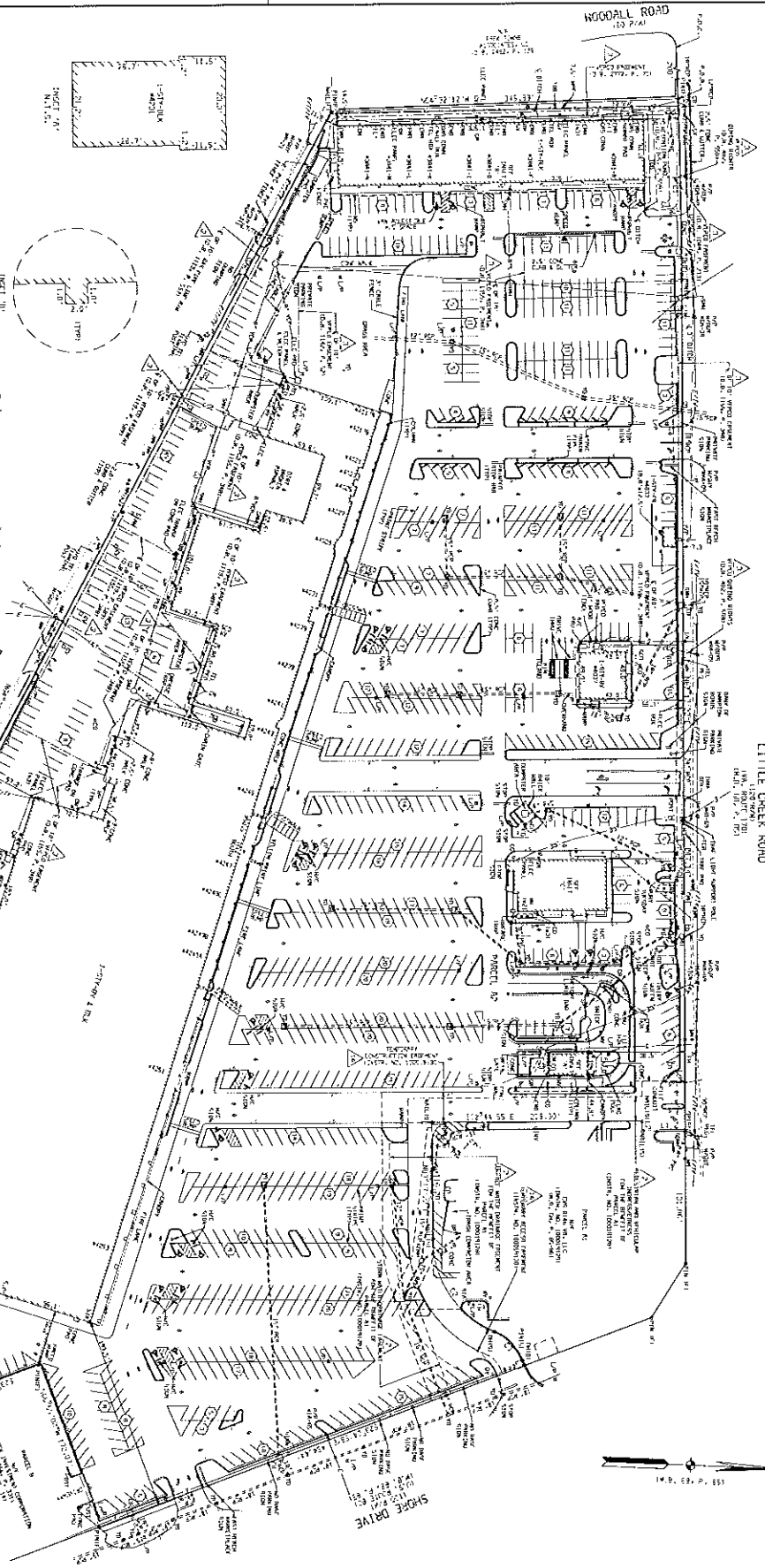
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7	WATER	100.00	CU YD
8	POWER	100.00	CU YD
9	TELEPHONE	100.00	CU YD
10	SEWER	100.00	CU YD



1" = 50'
GRAPHIC SCALE IN FEET

ALVINSON LAND TITLE COMPANY
1000 10TH AVENUE
NORTH PLANTAGENET, VA 20131
TEL: 1-703-701-1000

200-1-10000



LITTLE CREEK ROAD

WOODGALL ROAD

SHORE DRIVE

- 1. CONCRETE
- 2. STEEL
- 3. BRICK
- 4. CEMENT
- 5. SAND
- 6. GRAVEL
- 7. WATER
- 8. POWER
- 9. TELEPHONE
- 10. SEWER

200-1-10000

Available
Ground Lease/Build-to-Suit





September 7, 2012

John Greene
President, East Ocean View Civic League
4720 East Beach Drive
Norfolk, VA 23518

Dear Mr. Greene:

The Planning Department has received an application for a Special Exception to operate an Eating and Drinking Establishment at property located at 4231 East Little Creek Road, Suite A. This request is tentatively scheduled for the September 27, 2012, City Planning Commission public hearing.

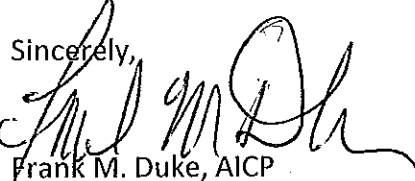
Summary

This request, if approved, would allow Hibachi King to serve beer and wine to their patrons.

	Current	Proposed
Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday	Same
Seating Capacity	452 seats indoors 466 total capacity	Same

If you would like additional information on the request, you may contact the applicant at (757) 588-8866 or you may telephone Matthew Simons on my staff at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,


Frank M. Duke, AICP
Planning Director

cc: Ray Ransom, Neighborhood Development Specialist
Marcia Mock, President, Ward 5 Partnership
Ray DeCecco, President, Camellia Shores Civic League

508 City Hall Building / Norfolk, Virginia 23510
Ph. (757) 664-4752 / Fax (757) 664-4748



September 7, 2012

Marcia Mock
President, Ward 5 Partnership
P.O. Box 14030
Norfolk, VA 23518

Dear Ms. Mock:

The Planning Department has received an application for a Special Exception to operate an Eating and Drinking Establishment at property located at 4231 East Little Creek Road, Suite A. This request is tentatively scheduled for the September 27, 2012, City Planning Commission public hearing.

Summary

This request, if approved, would allow Hibachi King to serve beer and wine to their patrons.

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Hours of Operation and Hours for the Sale of Alcohol	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday	Same
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Sincerely,

Frank M. Duke, AICP
Planning Director

cc: Ray Ransom, Neighborhood Development Specialist
John Greene, President, East Ocean View Civic League
Ray DeCecco, President, Camellia Shores Civic League

508 City Hall Building / Norfolk, Virginia 23510
Ph. (757) 664-4752 / Fax (757) 664-4748



September 7, 2012

Ray DeCecco
President, Camellia Shores Civic League
P.O. Box 14030
Norfolk, VA 23518

Dear Mr. DeCecco:

The Planning Department has received an application for a Special Exception to operate an Eating and Drinking Establishment at property located at 4231 East Little Creek Road, Suite A. This request is tentatively scheduled for the September 27, 2012, City Planning Commission public hearing.

Summary

This request, if approved, would allow Hibachi King to serve beer and wine to their patrons.

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Frank M. Duke, AICP
Planning Director

cc: Ray Ransom, Neighborhood Development Specialist
John Greene, President, East Ocean View Civic League
Marcia Mock, President, Ward 5 Partnership

508 City Hall Building / Norfolk, Virginia 23510
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